

REMARKS

This response is prepared in reply to the restriction requirement set forth in the Office action mailed on 2 June 2005 (Paper No. 052605).

By this Response and Amendment, claims 1 through 4, 6 through 8, 14, 19, 22 through 24, 27 through 29 and 31 are amended. Thus, claims 1 through 31 remain pending in this application.

In Paper No. 052605, the Examiner imposed the restriction between:

- Group I, claims 1 through 12 and 19 through 29, drawn to a multimedia messaging system, classified in Class 379, Subclass 88.13; and
- Group II, claims 14 through 18, drawn to a display card with sound-producing means, classified in Class 40, Subclass 124.03.

Applicant provisionally elects, with traverse, Group II, covered by original and currently amended claims 14 through 18 and by currently amended claims 1 through 8 and 19 through 21.

Applicant objects to and traverses the election requirement on the grounds that the subject matter of the two species overlaps. In addition, the mandatory fields of search for the two embodiments are coextensive. Finally, it appears that the election requirement is being imposed

merely for administrative convenience and such a basis for imposition of such a requirement has been prohibited in previous decisions of the Commissioner.

In view of the above, it is requested that the election requirement be withdrawn. It is further submitted that the application is in condition for examination on the merits, and early allowance is requested.

A petition for a one month extension of time and an Applicant's check in the amount of \$60.00 (**small entity application**) drawn to the order of Commissioner accompanies this response. Should the petition become lost, the Commissioner is requested to treat this paragraph as a petition for an extension of time, and should the check become lost, be deficient in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



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